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06 UNITED STATES DISTRICT COURT  
07 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 FRANCISCO SILVA-VAZQUEZ, ) CASE NO.: C08-1179-JLR  
09 )  
09 Petitioner, )  
10 )  
10 v. ) REPORT AND RECOMMENDATION  
11 )  
11 A. NEIL CLARK, )  
12 )  
12 Respondent. )  
13 \_\_\_\_\_ )

14 On August 7, 2008, petitioner Francisco Silva-Vazquez, proceeding pro se, filed a Petition  
15 for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging his detention by the U.S.  
16 Immigration and Customs Enforcement (“ICE”) at the Northwest Detention Center in Tacoma,  
17 Washington. (Dkt. 6). On September 17, 2008, however, respondent filed a Return  
18 Memorandum, Motion to Dismiss, and Withdrawal of Motion for Extension of Time, Dkt. 11,  
19 indicating that on August 29, 2008, petitioner was released from ICE custody pursuant to an  
20 Order of Supervision. (Dkt. 11). Respondent asserts that because petitioner is no longer detained  
21 by ICE, his habeas petition should be dismissed as moot. *Id.*

22 For a federal court to have jurisdiction, “an actual controversy must exist at all stages of

01 the litigation.” *Biodiversity Legal Foundation v. Badgley*, 309 F.3d 1166, 1173 (9th Cir. 2002).  
02 “When a controversy no longer exists, the case is moot.” *Id.* Because petitioner is no longer  
03 detained by ICE, the Court finds that petitioner’s habeas petition should be dismissed as moot.  
04 *See, e.g., Cooney v. Edwards*, 971 F.2d 345, 346 (9th Cir. 1992) (holding that the District Court  
05 properly dismissed plaintiff’s claims that had become either moot or unripe). Accordingly, I  
06 recommend that respondent’s motion to dismiss be granted, and that this action be dismissed  
07 without prejudice. A proposed Order accompanies this Report and Recommendation.

08 DATED this 22nd day of September, 2008.

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10 Mary Alice Theiler  
11 United States Magistrate Judge  
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